IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B. CRIMINAL MISC.IInd BAIL APPL. NO.297/2007
RAJU @ RAJESH V. THE STATE OF RAJASTHAN

Date of order ::: 25.1.2007

PRESENT
HON'BLE MR. JUSTICE PREM SHANKER ASOPA

Mr.Anurag Sharma, for the applicant.
Dr.A.S. Khangarot, PP for the State.

This is second bail application under Section 439 Cr.P.C. arising out of FIR No.464/2006 registered at Police Station Mathura Gate, Bharatpur for the offence under Section 147, 148, 341, 302 & 120B IPC.

The first bail application was dismissed on 22.12.2006 as withdrawn.

Heard learned counsel for the applicant as well as the learned Public Prosecutor and perused the material / case diary made available to me during the arguments of the case..

The submission of counsel for the applicant is that cause of death of the deceased is Asphyxia and there is no mention of any other injury been caused by stone. There is a lacerated injury (injury No.C) but the same is simple in nature. Counsel further submits that the applicant is a shop keeper and has no criminal background. The death has been caused on account of

strangulation by Dabbu @ Krishan Gopal resulting in Asphyxia.

Learned Public Prosecutor has opposed the bail application and submitted that the offence is under Section 302 IPC and is of serious nature. Has has not disputed that the death has been caused by strangulation resulting in Asphyxia and not by any other kind of injury.

Without expressing any opinion on the aforesaid submissions on merits and demerits of the case and taking into consideration the entire facts and circumstances of the case, I am inclined to grant bail to the applicant.

It is, therefore, ordered that applicant Raju @ Rajesh S/o Shri Brij Kishore shall be released on bail, provided he furnishes a personal bond in the sum of Rs.20,000/- (Rupees Twenty Thousand only) together with two sureties in the sum of Rs. 10,000/- to the satisfaction of the learned trial court for his appearance before that Court as and when called upon to do so during pendency of the trial against him arising out of FIR No.464/2006 registered at Police Station Mathura Gate, District Bharatpur.

(PREM SHANKER ASOPA) J.

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